

### **REMARKS/ARGUMENTS**

Initially, Applicants thank the Patent Office for indicating that claims 3 and 15-36 contain allowable subject matter.

Claims 1-48 are all the claims pending in this application.

Reconsideration of the subject patent application and allowance of the claims are respectfully requested in view of the following remarks.

### **REJECTION UNDER 35 U.S.C. 103(a)**

Claims 1, 2, 4-14 and 37-48 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Chasen et al. (U.S. Patent No. 6,760,721) ("Chasen") in view of Nishikawa et al. (U.S. Patent No. 6,348,932) ("Nishikawa"). For the reasons set forth below, the § 103(a) rejection is improper because it fails to establish a *prima facie* case of obviousness in that the cited art does not teach or suggest all elements of claims 1, 2, 4-14 and 37-48, and, moreover, there is no motivation or suggestion to modify the cited references in the manner suggested by the Patent Office. Applicants respectfully contend that the rejection is in error and should be withdrawn.

### **Independent claims 1 and 37**

The claimed invention is directed to an information retrieval system and method wherein a filtering query is generated by specifying at least one query operator from selected data groupings of a filter tree table. When the filtering query is applied against an unfiltered data table containing items of data, a filtered data table is created. The filtered data table is created by receiving one or more data items filtered from the unfiltered data table in response to the filtering query and placing the received data items in the filtered data table. The data items are displayed in the filtered data table, and filter data including selected data groupings are displayed in the filter tree table.

Independent claim 1 recites, inter alia, "displaying filter data in said filter tree table, with said filter data including selected data grouping." Independent claim 37 has a similar feature. Chasen fails to disclose, teach or suggest this claimed feature.

Chasen discloses an audio player program display 110 having a tree window 120 and a table window 130. The tree window 120 includes a master tree 122, which has subtrees 124 and 126. The subtree 124 represents a groupings tree and illustrates audio metadata categorized in a metadata database. The subtree 126 displays custom playlists for the audio metadata. The table window 130 includes a node table 132 that has information relating to a node that is selected in the tree window 120. See, e.g., Col. 5, lines 20-51. As illustrated in Figure 1, items can be filtered by various categories (e.g., Track Name, Artist, Album, Genre, CD Track #, Length). When a filter is applied, the results are displayed in the node table 132 of the table window 130. The results, however, are not displayed in the tree window 120. Thus, Chasen does not satisfy this feature of independent claims 1 and 37.

Nishikawa does not remedy the deficiencies of Chasen. In particular, Nishikawa does not disclose, teach or suggest "displaying filter data in said filter tree table, with said filter data including selected data grouping." The combination of Chasen and Nishikawa therefore fails to constitute a *prima facie* case of obviousness and should be withdrawn for this reason alone. Moreover, the combination suffers additional deficiencies.

Independent claim 1 further recites, inter alia, "accepting a user input that selects or de-selects a data grouping to be filtered and displayed." Independent claim 37 has a similar feature. The Patent Office acknowledges that Chasen fails to teach or suggest this claimed feature relies on Nishikawa to cure this deficiency. However, contrary to the Patent Offices' assertion, Nishikawa does not disclose, teach or suggest this feature, in the Abstract or any place else.

Nishikawa discloses a webTV including a direct broadcast satellite system (DSS) and an internet terminal system. As illustrated in Figure 7, a home screen 550 of the GUI includes user-selectable icons 552-564, such as guide, webTV, favorites, TV planner, mail, setting, how to, etc. When a particular icon is selected, "Internet web page data from storage device HDD 228, or flash memory 230" is displayed, or

functions corresponding to the selected icon (e.g., settings for webTV) are carried out. Nishikawa, col. 10, line 66-col. 11, line 38.

The Patent Office avers that "the user of Nishikawa select[s] the icons for grouping purposes." Office Action at 4. However, the icons of Nishikawa do not relate or correspond to a data grouping. Rather, the "[i]cons 552-564 represent accessible screens, pull-down menus, and features that a user can display on TV 16." Nishikawa, col. 11, lines 3-5. Accordingly, Nishikawa does not "accept[] a user input that selects or de-selects a data grouping to be filtered and displayed" and, thus, this claimed feature is not met.

The combination of Chasen and Nishikawa therefore fails to constitute a *prima facie* case of obviousness, and should be withdrawn, for this separate and independent reason.

Further, the Patent Office's rejection under 35 U.S.C. § 103(a) is deficient for the additional reason that there is no motivation, absent the hindsight reconstruction of the present invention, to modify the disclosure of Chasen in accordance with the disclosure of Nishikawa as suggested by the Patent Office. Specifically, the Patent Office asserts that "it would have been obvious ... to modify Chasen's system to include grouping by selecting the icons as taught by Nishikawa in order to provide the organized data in the computer system." However, there is no motivation to modify the Chasen reference to arrive at the claimed invention.

The Patent Office includes no support for its assertion. "The mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification." See In re Laskowski, 871 F.2d 115, 117 (Fed. Cir. 1989) (*citing In re Gordon*, 733 F.2d 900, 902, 221 USPQ 1125, 1127 (Fed. Cir. 1984)). In this case, Chasen does not suggest the desirability to modify the master tree (or tree window) such that a user can select or de-select a data grouping to be filtered and displayed. Indeed, the tree window does not contain filter data including selected data groupings that can be selected or de-selected. Moreover, the selection of the icons in Chasen does not provide "organized data in the computer

system." As discussed above, the icons simply represent accessible screens, pull-down menus, and features that can be displayed on a television. Clearly, the Chasen and Nishikawa references do not suggest the claimed invention, and there is no sufficient basis for combining the references but for the teachings of the present invention. Thus, the proposed modification is no more than a hindsight reliance on the teachings in the present application of the advantages of the present invention. Accordingly, the combination of Chasen and Nishikawa is improper as being impermissibly motivated in hindsight by the teachings of the present application.

In view of the foregoing, Applicant's respectfully submit that independent claims 1 and 37 cannot be rendered obvious over the combination of the Chasen and Nishikawa references and, therefore, the § 103(a) rejection of those claims should be withdrawn.

#### Dependent claims 2, 4-14 and 38-48

Dependent claims 2, 4-14 and 38-48 depend on at least one of independent claims 1 and 37, and should be allowed for at least the same reasons as discussed above with respect to claims 1 and 37, in addition to the features they recite. For example, claim 10 recites "displaying a data item count for a particular data grouping and updating all data item counts upon a data grouping selection or de-selection by said user." Neither Chasen nor Nishikawa disclose, teach or suggest this feature. As illustrated in Figure 1 of Chasen, there is no data item count for the groupings in the tree window 120 (or the table window 130). Since there are no data item counts, the system of Chasen cannot update data item counts upon a data grouping selection or de-selection by a user. Thus, this claimed feature is not met.

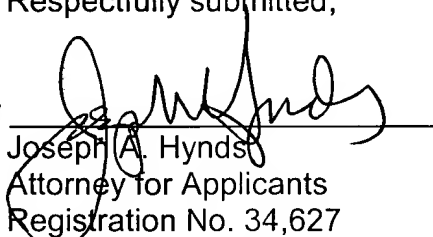
Claim 13 recites "said filtering query is a SQL query." The Patent Office relies on Chasen and contends that this feature is disclosed in column [10], lines 20-31. However, Chasen does not teach or suggest a SQL filtering query. Thus, Chasen does not satisfy this claimed feature.

Claim 43 recites "said filter tree table is capable of storing data item counts corresponding to each data grouping." Dependent claims 47 and 48 have a similar feature. As discussed above, Chasen discloses displaying results in the node table 132 of the table window 130. Accordingly, the tree window 120 of Chasen is not capable of storing data item counts, since the results are not displayed in the tree window 120. Further, displaying item counts in a filter tree is the essence of parametric filtering. The user in Chasen chooses multiple categories; however, he/she merely creates one query or uses one filter (or filter collection) on the data at a time. Thus, the results, along with summary data, are displayed in the node table 132 of the table window 130 (and not the tree window 120). Hence, this claimed feature is not met.

Applicants submit that the present application is now in condition for allowance. Reconsideration and favorable action are earnestly requested.

Respectfully submitted,

By



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